

1985 MAR -5 PM 2:28

HOUSE OF REPRESENTATIVES
FILED FEB 25 1985

I certify that the attached is a true and
correct copy of HJR 54, which
was filed of record on FEB 25 1985
and referred to the committee on:

Urban af.

Betty Messing

Chief Clerk of the House

By Wright

H J.R. No. 54

A JOINT RESOLUTION

1 proposing a constitutional amendment to authorize the legislature
2 to enact laws permitting a city or town to spend public funds and
3 levy assessments for the relocation or replacement of water
4 laterals on private property.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article XI, Section 12, of the Texas Constitution
7 is amended to read as follows:

8 Sec. 12. The legislature by general law may authorize a city
9 or town to expend public funds for the relocation or replacement of
10 sanitation sewer laterals or water laterals on private property if
11 the relocation or replacement is done in conjunction with or
12 immediately following the replacement or relocation of sanitation
13 sewer mains or water mains serving the property. The law must
14 authorize the city or town to affix, with the consent of the owner
15 of the private property, a lien on the property for the cost of
16 relocating or replacing the [~~sewer~~] laterals on the property and
17 must provide that the cost shall be assessed against the property
18 with repayment by the property owner to be amortized over a period
19 not to exceed five years at a rate of interest to be set as
20 provided by the law. The lien may not be enforced until after five
21 years have expired since the date the lien was affixed.

22 SECTION 2. This proposed amendment shall be submitted to the
23 voters at an election to be held on November 5, 1985. The ballot
24 shall be printed to provide for voting for or against the

1 proposition: "The constitutional amendment to authorize the
2 legislature to enact laws permitting a city or town to spend public
3 funds and levy assessments for the relocation or replacement of
4 water laterals on private property."

HOUSE COMMITTEE REPORT

1st. Printing

MAY 11 AM 8:44
H. J. R. NO. 54

By Wright

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COMMITTEE REPORT

The Honorable Gib Lewis
Speaker of the House of Representatives

May 8, 1985
(date)

Sir:

We, your COMMITTEE ON URBAN AFFAIRS, to whom was referred HJR 54 have had the same under consideration and beg to report back with the recommendation that it (measure)

- ☒ do pass, without amendment.
☐ do pass, with amendment(s).
☐ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. ☒ yes ☐ no

An actuarial analysis was requested. ☐ yes ☒ no

An author's fiscal statement was requested. ☐ yes ☒ no

~~The Committee recommends that this measure be placed on the (Local) or (Consent) Calendar.~~

This measure ☒ proposes new law. ☐ amends existing law.

House Sponsor of Senate Measure _____

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Pierce, Ch.	X			
Rangel, V.C.	X			
Denton, C.B.O.	X			
Berlanga				X
Connelly	X			
Criss	X			
Edwards	X			
Garcia, O.	X			
Hilbert	X			
Luna, A.				X
Patrick				X
Polumbo				X
Valigura	X			

Total

9 aye
0 nay
0 present, not voting
4 absent

CHAIRMAN

COMMITTEE COORDINATOR

COMMITTEE ON URBAN AFFAIRS

HOUSE JOINT RESOLUTION 54 by Wright

Background Information

In November 1983, voters approved a constitutional amendment to authorize the legislature to enact laws to permit a city to expend public funds and levy assessments for the relocation or replacement of sanitation sewer laterals on private property. The amendment did not address the relocation or replacement of water laterals as proposed by the HJR 54. Enabling legislation (Chapter 64, Acts of the 68th Legislature, Regular Session, 1983) would need to be amended, also, before cities could authorize loans for relocation of water laterals on private property.

Purpose

HJR 54 proposes a constitutional amendment to authorize the legislature to enact laws permitting a city to spend public funds and levy assessments for the relocation or replacement of water laterals on private property.

Synopsis

HJR 54 proposes a constitutional amendment to authorize the legislature to enact laws permitting a city to spend public funds and levy assessments for the relocation or replacement of water laterals on private property.

Rulemaking Authority

It is the Committee's opinion that this bill does not extend rulemaking authority to any state agency, officer, department, or institution.

Summary of Committee Action

HJR 54 was considered in a public hearing on May 8, 1985. No one appeared to testify for or against the measure. The motion to report HJR 54 favorably carried with a vote of 9 Ayes, 0 Nays, 0 PNV, and 4 Absent.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

May 8, 1985

Honorable George Pierce, Chair
Committee on Urban Affairs
House of Representatives
Austin, Texas

In Re: House Joint Resolution No. 54
By: Wright

Sir:

In response to your request for a Fiscal Note on House Joint Resolution No. 54 (proposing a constitutional amendment to authorize the legislature to enact law permitting a city or town to spend public funds and levy assessments for the relocation or replacement of water laterals on private property) this office has determined the following:

The resolution would make no appropriation but could provide the legal basis for an appropriation of funds.

The cost of publication of the resolution is \$48,100.

No additional fiscal implication to the State is anticipated.

The resolution would allow cities and counties to relocate or replace water laterals on private property with the consent of the property owner and to assess the costs incurred against the property owner through a lien on the property.


Jim Oliver
Director

Source: Secretary of State; Department of Water Resources;
LBB Staff: JO, JH, AL, DS

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HOUSE ENGROSSMENT

By Wright

H.J.R. No. 54

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5/25/85
6:35 PM
TAG FORM

5/25/85 Austin, Texas
Date

To the Chairman of the Committee on State Affairs:

Pursuant to Senate Rule 105, I hereby request 48 hours advance notice in writing of the time and place of the hearing on HSR No. 58.



Give the original of this form to Calendar Clerk for placement on the bill, give one copy to the Secretary of the Senate's office, and one copy to the Chairman of the committee to which the bill was referred.

ENROLLED

H.J.R. No. 54

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H.J.R. No. 54

President of the Senate

Speaker of the House

I certify that H.J.R. No. 54 was passed by the House on May 14, 1985, by the following vote: Yeas 140, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.J.R. No. 54 was passed by the Senate on May 27, 1985, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

RECEIVED: _____

Date

Secretary of State

HOUSE JOINT RESOLUTION

proposing a constitutional amendment to authorize the legislature to enact laws permitting a city or town to spend public funds and levy assessments for the relocation or replacement of water laterals on private property.

FEB 25 1985

1. Filed with the Chief Clerk.

MAR 5 1985

2. Read first time and referred to Committee on

Urban Affairs

MAY 8 1985

3. Reported favorably ^(as amended) ~~(as introduced)~~ and sent to Printer at

MAY 10 1985

9:31 am

5-11-85

4. Printed and distributed at 6:44 AM

MAY 13 1985

5. Sent to Committee on Calendars at 9:10 A.M.

MAY 14 1985

6. Read second time (amended) and (finally) passed to ~~the Senate~~ by a Record Vote of 149 yeas, 0 nays, 1 present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. _____ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. _____ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 14 1985

11. Ordered Engrossed at 1:49

MAY 14 1985

12. Engrossed.

MAY 14 1985

13. Returned to Chief Clerk at 4:16 PM

MAY 15 1985

14. Sent to the Senate.

MAY 15 1985

15. Received from the House

MAY 16 1985

16. Read, referred to Committee on INTERGOVERNMENTAL RELATIONS

MAY 24 1985

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

MAY 27 1985

20. Regular order of business suspended by unanimous consent (a viva voce vote.) _____ yeas, _____ nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

MAY 27 1985

22. Read second time _____ passed to third reading by: (a viva voce vote.) _____ yeas, _____ nays.)

Betty Murray
Chief Clerk of the House

MAY 27 1985

23. Caption ordered amended to conform to body of bill.

24. Senate and Constitutional 3-Day Rules suspended by vote of 90 yeas,
1 nays to place bill on third reading and final passage.

MAY 27 1985

25. Read third time and passed by

(a viva voce vote.)
(31 yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:


Secretary of the Senate

5-27-85

26. Returned to the House.

MAY 27 1985

27. Received from the Senate (~~with amendments~~)
(~~as substituted~~)

28. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

29. Conference Committee Ordered.

30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

MAY 27 1985

31. Ordered Enrolled at

9:44 pm